

**TO:** Advisory Planning Commission

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** July 16, 2019

**RE:** OCP & Zoning Bylaw Amendment – Electoral Area “H”

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**Purpose:** To rezone the southern portion of the property to allow for the creation of an 8.6 ha parcel

**Owner:** Liss, Jennifer & Lawrence      **Agent:** AllTerra Land Surveying      **Folio:** H00724.040

**Civic:** 336 Tulameen River Road      **Legal:** Lot 2, Plan KAP29927, District Lot 395, LDYD

**OCP:** Agriculture (AG)      **Proposed OCP:** Large Holdings

**Zoning:** Agriculture Three Zone (AG3)      **Proposed Zoning:** Large Holdings Two (LH2)

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## **Proposed Development:**

This application proposes to amend zoning of the southern portion of the subject property in order to facilitate the subdivision of the northern part of the property into six (6) lots and allow the creation of an 8.6 hectare (ha) remainder parcel in the southern portion where the owners reside.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, from Agriculture (AG) to Large Holdings (LH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, from Agricultural Three Zone (AG3) to Large Holdings Two (LH2).

In support of the rezoning, the agent has stated that the owners wish to complete the previously ALC approved subdivision “to create 13 lots with the subject parcel as the remainder” and to “continue abiding on this parcel in the same way they have been”, as their primary residence.

## **Site Context:**

The subject property is approximately 25.8 ha in area and is situated approximately 800 metres west of Tulameen on the north side of Tulameen River Road.

It is understood that the southern portion of the parcel is comprised of a single detached dwelling, accessory structures and undeveloped agricultural land. The surrounding pattern of development is generally characterised by vacant agricultural land, and residential parcels.

## **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on May 4, 1979, while available Regional District records indicate

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that building permits have previously been issued for a single detached dwelling (1981), mobile home (1982), cabin (2003), an addition to the single family dwelling (2006), and a detached garage (2006).

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the northern portion of the subject property is designated Small Holdings (SH), the southern portion is Agriculture (AG) and the property is also the subject of a Watercourse Development Permit (WDP) Area designation adjacent its boundary with the Tulameen River.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the northern portion of the subject property is zoned Small Holdings Two (SH2), which specifies a minimum parcel size for subdivision of 2.0 ha. The southern portion of the property is zoned Agriculture Three (AG3). AG3 zoning specifies a minimum parcel size for subdivision of 20.0 ha. In comparison, the proposed Large Holdings Two (LH2) Zone specifies a minimum parcel size of 8.0ha.

Prior to 2012, the southern portion of the parcel was zoned Resource Area (RA), which, at that time, allowed a minimum parcel size of 8.0 ha.

When the current Electoral Area “H” OCP & Zoning Bylaws were adopted in 2012, lands in the Agricultural Land Reserve (ALR) were designated as “Agriculture (AG)” and re-zoned to “Agriculture Three (AG3)”, which established a minimum parcel size of 20.0 ha.

While the whole of the property is within the ALR, in 2004 the Agricultural Land Commission (ALC) approved a 13 lot subdivision of the property, provided parcels were not less than 2.0 ha in area. Between 2006 and 2009 the first seven (7) parcels of this subdivision were created.

On February 13, 2019, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed six (6) lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

An assessment of this proposed subdivision determined that, due to the property being split zoned, subdivision will result in a sub-minimal remainder parcel that will not meet the 20 ha minimum parcel size required by the Agriculture Three (AG3) Zone.

BC Assessment has classified the property as “Residential” (Class 01).

### **Analysis:**

In considering this proposal, Administration notes that it is generally not considered good planning practice to encourage the fragmentation of agricultural land and that the OCP generally seeks to discourage this type of subdivision by supporting the consolidation of legal parcels that support more efficient agricultural operations and encourage the protection of agricultural lands and maximizing productive farm activity.

Administration is concerned that the principle agricultural rationale put forward in support of this subdivision, which is the creation of smaller parcels, runs counter to the direction provided by the OCP.

Moreover, Administration notes that the ALC has been consistent in its support for larger parcel sizes on ranching and grazing lands — such as the subject property — in the Similkameen. For instance, the Commission recommended a 42.0 ha parcel size be applied to the AG3 Zone in Electoral Area “H”.

In this context, the creation of an 8.4 ha remainder may impede the agricultural opportunities available in the long-term.

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That said, Administration also recognises that the ALC previously approved the subdivision of this parcel into smaller lots and that the subject property is now dis-contiguous as a result of the subdivisions that has since been completed.

Moreover, requiring compliance with the 20.0 ha minimum parcel size requirement of the AG3 Zone is not going to result in a more viable agricultural parcel.

Administration also recognises that it has previously supported proposals in other Electoral Areas that seek to undertake subdivision along a road alignment or where parcels are physically separated by other parcels within the ALR on the basis that these generally form a boundary between what is seen to be two separate parcels.

While the requested LH2 Zone is not an “Agriculture” zone, it shares many of the same regulations as the AG3 Zone, such as similar permitted uses and the same maximum parcel coverage requirements which will ensure that the general use of the property remains the same. For reference purposes, a comparison of the AG3 Zone and LH2 Zone is presented at Attachment No. 3.

In summary, Administration generally supports the proposed OCP and Zoning Bylaw amendments.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

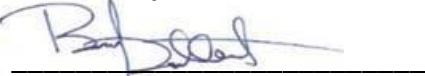
**Respectfully submitted:**

  
C. Garrish, Planning Manager

**Respectfully Submitted:**

  
F. Titley, Planning Student

**Endorsed By:**

  
B. Dollevoet, G.M. of Dev. Services

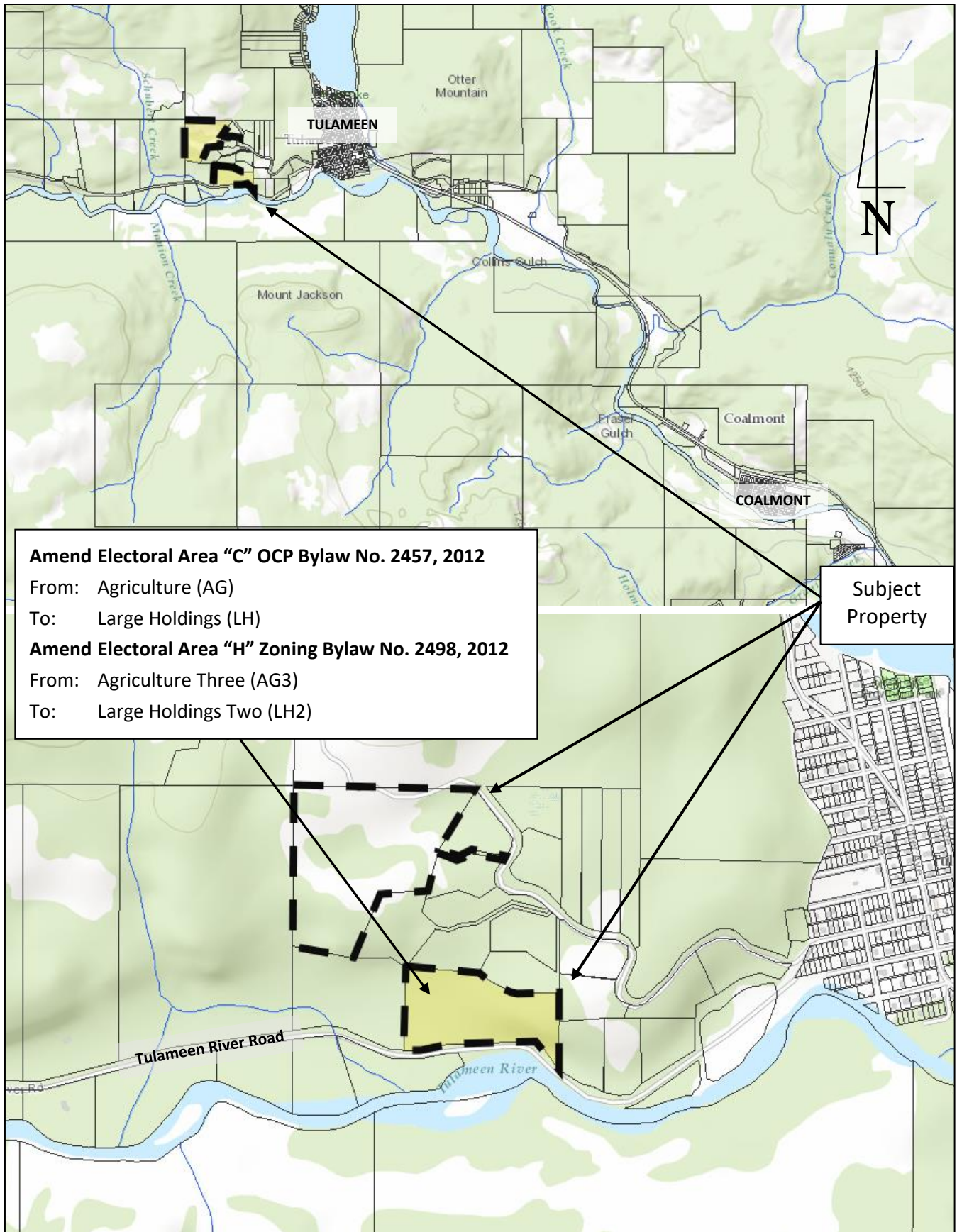
Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Proposed Plan of Subdivision

No. 3 – Comparison of AG3 Zone vs. LH2 Zone

No. 4 – Site Photos (Google Streetview)

Attachment No. 1 – Context Maps



## Attachment No. 2 – Applicant's Proposed Plan of Subdivision

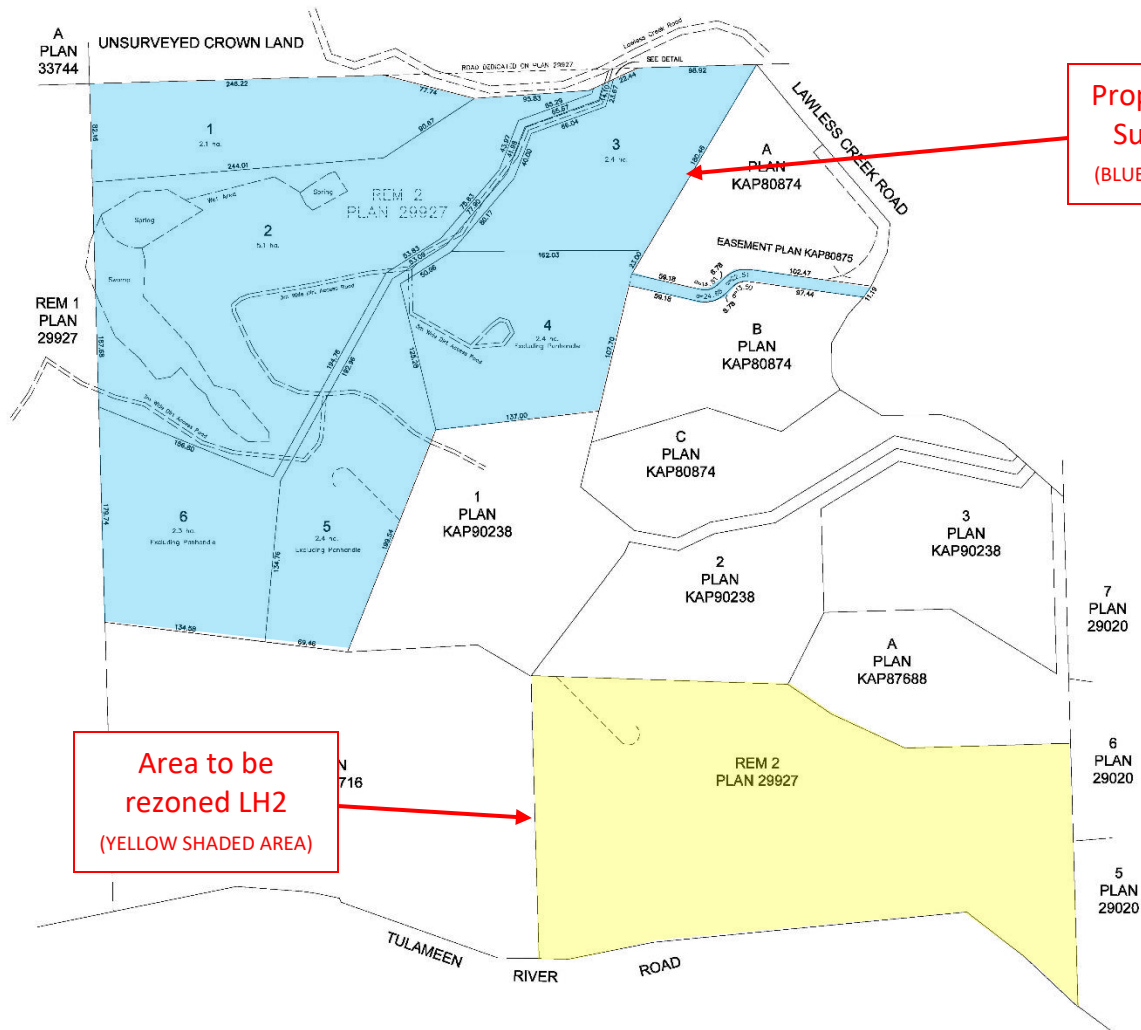
PLAN OF PROPOSED SUBDIVISION OF LOT 2, DL 395,  
YDYD, PLAN 29927 EXCEPT PLANS E17889, KAP52208,  
KAP76716, KAP80874, KAP87688 AND KAP90238.  
SCALE 1:1750 METRIC

0 30 105 175  
The intended plot size of this plan is 165mm in width by 850mm in height (D-size) when plotted at a scale of 1:1750 METRIC.

Lot dimensions shown are derived from field survey measurements and may vary from Land Title Office records.

Notes:  
- Based on a field survey completed January 17, 2016.  
- Unregistered interests have not been located or considered.

Owner:  
- District KIP54724  
- Statutory Title No. 18115071



**Altterra**  
Land Surveying Ltd.  
www.AltterraSurvey.com  
P.O. Box 455 8066 Tel: 715229-555 Fax: 715229-555

Attachment No. 3 – Comparison of AG3 Zone vs. LH2 Zone

AGRICULTURE THREE (AG3) ZONE	LARGE HOLDINGS TWO (LH2) ZONE
<b>Permitted Uses:</b> <u>Principal Uses:</u> agriculture; brewery, cidery, distillery, meadery or winery; equestrian centre; guest ranches; guide camps; meteorological towers; packing, processing & storage of farm & off-farm products; single detached dwelling or mobile home; veterinary establishments;	<b>Permitted Uses:</b> <u>Principal Uses:</u> agriculture; cemeteries; equestrian centre; open land recreation; packing, processing & storage of farm & off-farm products; single detached dwelling, mobile home or RV; veterinary establishments;
<u>Accessory Uses:</u> accessory dwellings; agri-tourism accommodation; bed and breakfast operations; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.	<u>Accessory Uses:</u> accessory dwellings; bed and breakfast operations; carriage house; home industry; home occupation; retail sale of farm & off-farm products; secondary suite; accessory buildings and structures.
<b>Minimum Parcel Size:</b> 20.0 ha	<b>Minimum Parcel Size:</b> 8.0 ha
<b>Minimum Parcel Width:</b> Not less than 25% of the parcel depth	<b>Minimum Parcel Width:</b> Not less than 25% of the parcel depth
<b>Maximum Number of Dwellings Per Parcel:</b> one (1) principal dwelling unit. up to two (2) accessory dwelling units with a max. floor area not exceeding 180 m <sup>2</sup> between the unit(s).	<b>Maximum Number of Dwellings Per Parcel:</b> one (1) principal dwelling unit. two (2) accessory dwelling units with a max. floor area of 70 m <sup>2</sup> per unit
<b>Minimum Setbacks:</b> <u>Buildings and Structures:</u> Front parcel line: 7.5 metres Rear parcel line: 7.5 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 7.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres	<b>Minimum Setbacks:</b> <u>Principal Buildings and Structures:</u> Front parcel line: 9.0 metres Rear parcel line: 9.0 metres Interior side parcel line: 4.5 metres Exterior side parcel line: 4.5 metres <u>livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front parcel line: 15.0 metres Rear parcel line: 15.0 metres Interior side parcel line: 15.0 metres Exterior side parcel line: 15.0 metres <u>Incinerator or compost facility:</u> Front parcel line: 30.0 metres Rear parcel line: 30.0 metres Interior side parcel line: 30.0 metres Exterior side parcel line: 30.0 metres
<b>Maximum Height:</b> 10.0 metres	<b>Maximum Height:</b> 10.0 metres
<b>Maximum Parcel Coverage:</b> 5% / 75% for greenhouse uses	<b>Maximum Parcel Coverage:</b> 5% / 75% for greenhouse uses



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Attachment No. 4 – Site Photos (Google Streetview)

